IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 36578 of 2003(D)

PETITIONER:

SALI C.I., ASSISTANT ENGINEER,
ENGINEERING SUB DIVISION, KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA, RESIDING AT FLAT NO.H.34, VETERINARY COLLEGE COMPUS, P.O.MANNUTHY, THRISSUR.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:
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1. KERALA AGRICULTURAL UNIVERSITY,
VALLANIKKARA, THRISSUR, REPRESENTED BY ITS REGISTRAR.

2. T.K.ABDUL KHADER, ASSISTANT ENGINEER,
ENGINEERING DIVISION, K.C.A.E.T.,
TAVANUR, MALAPPURAM DISTRICT.

***3. K.T. VASUDEVAN, S/O. APPU,**
ASST. ENGINEER, ENGINEERING DIVISION,
KCAET, TAVANUR, MALAPPURAM.

***ADDL. R3 IS IMPLEADED AS PER ORDER DATED 02/04/2004 IN IA NO. 16016/2003.**

BY ADV. SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.
SRI.V.V.SURENDRAN
SRI.P.A.HARISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 36578/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTIFICATION NO. 63546/P5/76/AD DT. 23/10/76 BY THE GOVT. OF KERALA, AGRICULTURAL (PLANNING II) DEPARTMENT.

EXT.P2. COPY OF THE PROVISIONAL SENIORITY LIST OF ASSISTNAT ENGINEERS INCIVIL ENGINEERING WING OF KERALA AGRL. UNIVERSITY, VELLANIKKARA.

EXT.P3. COPY OF THE NOTIFICATION NO. GA. E3/44574/87(I) DT. 16/8/2003 OF THE KERALA AGRL. UNIVERSITY.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE ORDER DT. 15/12/2003.

True copy

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.36578 of 2003-D

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Dated this the 26th day of October, 2007.

JUDGMENT

1. According to the petitioner, after having joined service as a First Grade Overseer, she was promoted as AE and she acquired B.Tech degree in January, 2003. She contends that in terms of Ext.P3 amendment issued to the statutory rules, a ratio of 3:2 among degree and diploma holders has been fixed and she is entitled to the vacancy of AEE that arose on 30-11-2003.

2. The inter se entitlement of personnel in service for promotion to a particular slot is not a matter to be decided at the first instance in a writ proceedings. This is because, different factors, including inter se seniority and

the date of acquisition of qualification, as well as the date of occurrence of vacancies have to be first determined by the employer.

3. Having regard to what is aforesaid, this writ petition is disposed of directing that the first respondent will take up the claim of the petitioner for being promoted in terms of what is stated above and if found eligible in terms of the rules, the same shall be effected within an outer limit of four months from the date of receipt of a copy of this judgment. The effect and impact of Ext.P3 amendment would also be considered, in doing so.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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